REMARKS

In accordance with the foregoing, claims 1, 11, and 14-16 are amended. No new matter is added. Claims 1, and 3-16 are pending and under consideration.

PERSONAL INTERVIEW WITH THE EXAMINER

First, Applicant wishes to thank the Examiner and Examiner's supervisor for the courtesy of an interview granted to Applicant's representative on June 28, 2007, at which time the outstanding issues in this case were discussed. During the interview, Applicant's representative presented the following arguments regarding prior art teachings and proposed claim amendments in order to overcome the prior art and the 101 rejections. The Examiner indicated that he understood Applicant's arguments, and he would reconsider the outstanding grounds for rejection upon the formal submission of a response including amended claims.

CLAIM REJECTION UNDER 35 USC §101

Claims 1, 3-10, 14 and 15 are rejected under 35 USC §101 as allegedly directed to non-statutory subject matter.

Independent claims 1, 11, and 14-16 are amended herewith to recite a "storing" operation. In view of the claim amendments, Applicants respectfully request the rejection under 35 U.S.C. §101 to be withdrawn.

The preamble of claim 11 is amended herewith to recite "a computer readable medium storing a program [...] ." In view of the claim amendments, Applicants respectfully request the rejection under 35 U.S.C. §101 of claim 11 to be withdrawn.

Relative to the rejection under 35 U.S.C. §101 claim 12, Applicants respectfully direct the Examiner's attention to page 19, lines 19-29. Therein, a program stored on a CD-ROM 118 (see FIGS 7 through 10B) is described as causing the computer 100 to perform a method of generating mesh data. The CD-ROM is a computer-readable storing medium. Receiving the program from the LAN is presented in lines 29-31 on the same page merely as an alternative ("may be"), which does not cancel out the previous disclosure that substantiates claim 12's preamble. Claim 12 does not recite "a signal." It is inappropriate to pick and import limitations (such as the claim being directed to a signal) from the specification, when clear plain meaning support for the claim language exists. Therefore, Applicants respectfully request the rejection of claim 12 under 35 U.S.C. §101 to be withdrawn.

Claim 16 is amended to remove from the preamble the language "using a computer processor" which apparently caused confusion relative to the subject matter recited in the claim.

CLAIM REJECTION UNDER 35 USC §103

Claims 1 and 3-15 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0198693 by Marusich (hereinafter "Marusich").

In the amendment filed on March 14, 2007, Applicants amended the independent claims to recite, for example, "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary." Applicants pointed out that the newly recited features are not taught or suggested by the cited prior art (i.e. Marusich) and therefore the claims are patentable. In Marusich, the tetrahedrons are not combined in orthogonal planes since the neighboring tetrahedrons do not form orthogonal planes. Moreover, the deformation described in Marusich, alters the angles between the planes defined by neighboring elements. The tetrahedrons in Marusich cannot be combined in orthogonal planes because they do not have perpendicular sides, and, moreover, are subsequently deformed in Marusich.

Marusich does not disclose a first condition AND a second condition. The Office Action indicates the same portion of the reference for both conditions. The labels (i.e., "first" and "second"), the dependent claims and the specification clearly indicate the intent of "first condition" and "second condition" being different conditions.

FIG. 4 of Marusich (whose diamond boxes in column 2 therein are indicated in the Office Action) does not anticipate "the cube data is obtained by determining whether each of the mesh elements forming the mesh data forms the target object based on a first condition of the target object in the mesh element." Additionally, the conditions in the diamond boxes of FIG. 4 are applied following deformation and not to the originally divided data.

Independent claim 1 patentably distinguishes over the cited prior art at least by reciting "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary according to the second condition." Claims 3-10 depending directly or indirectly from claim 1 are also patentable at least by inheriting patentable features from claim 1.

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Independent claim 11 is patentable at least by reciting "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary to satisfy the predetermined condition."

Independent claim 12 is patentable at least by reciting "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary to satisfy the selected predetermined condition."

Independent claim 13 is patentable at least by reciting "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary to satisfy the predetermined condition."

Independent claim 14 is patentable at least by reciting "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary."

Independent claim 15 is patentable at least by reciting "the combined cube elements are generated by combining neighboring elements in orthogonal planes, and a corrective action may be taken if necessary."

During the interview on June 28, 2007, Applicant's representative brought to the Examiner's attention that independent claim 16 is rejected based on general language, such as paragraph [0005] of Marusich, without a real correspondence between the features recited in the claim and the indicated portions of Marusich. Claim 16 is patentable at least by reciting "determining a combination of two or more of the cube elements, the two or more of the cube elements being combinable in any of a plurality of orthogonal planes."

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: July 2, 2007

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